

1885-009 Chancery Causes: James M. Duff vs. Henry S. Preston  
Lee Co.

CA-Debt  
T-Property

To the Hon. John A. Keely Judge of the  
Circuit Court of Lee County Va  
Your Orator, James M. Duff, humbly  
Complaining sheweth unto your  
Honor. that heretofore, at the March  
Term 1883, of this Hon. Court your  
orator obtained a judgement against  
one Henry S. Preston for the sum of  
\$26.29, and upon this execution issued  
and was placed in the hands of  
France Miles deputy for J. S. Ely Sheriff  
of Lee County for Collection, and was  
by him returned no property found  
A Copy of which is herewith filed  
marked "A" and is prayed to be con-  
sidered herewith as part hereof.  
No part of which has ever been paid  
but still remains due your Orator.

This judgement has been docketed  
and properly indexed in the judgement  
lien book of the Clerks office of the  
County Court of this County, and does  
as your orator is advised, constitute a  
lien upon any real estate owned in  
said County - The said Preston is the  
owner in fee of a valuable tract of  
land situated in Lee County Va near  
"The Hunters Gap" known as the Preston



farm, whereon one Moses Allen now resides. The rents and profits of this farm will as your orators is informed and charges, pay said judgement, in less than five years.

The object of this bill therefore is to enforce said lien upon said real estate, and rent its name for a sufficient length of time to pay and discharge its name. Your Orators prayer therefore is that said Henry S. Preston be made a party defendant to this bill and answer its allegations on oath and upon a hearing a decree be rendered, enforcing said lien, and renting said real estate, for a period of time sufficient to pay and discharge its name. And for all other juster and general relief May suba-issue &c.

A. L. Pridemore



11/3.00

Received of W. B. Flannery \$2.00 Sept 13. 00  
which includes my fee in settlement but  
of H. J. Preston no fee. Mr. Duff against said bill  
and also my fee in this suit against said  
Duff as plaintiff, as well as the settlement  
cost, for any fee which may be due me  
in the further proceedings in this cause  
This Sept 27<sup>th</sup> 1884. J. A. Applegate

L.P.

James M. Duff.

vs Bill Chy.

H. J. Preston

Exhibit A. Filed.

- 1883, Sept, 27<sup>th</sup> Bill Filed.
- " Octo cont'd & Spd
- " Nov. Spd Ad'd, & D. N.
- " Decr, D. N. Conf'd & cause  
set for hearing.
- " Nov. 1. Decree & cont'd
- 1884 Cont'd this year
- 1885 Mr. Cont'd
- " Aug Decree final

C - \$4.57 to Aug 1884  
S<sup>r</sup> 50  
H 15.00  
Estimated 21.00  
\$32.07



James M. Duff Plff

against

H. S. Preston

Def

} In ch

This cause  
Came on this day upon the bill of the plff  
taken for confessed and ~~exhibits~~  
<sup>exhibits filed on way</sup> argued by Counsel. On consideration  
whereof and for reasons appearing  
to the Court it is adjudged ordered  
and decreed that the plff recover  
from the defendant the sum of  
\$25.29 and legal interest thereon from  
the 15<sup>th</sup> day of April 1883 till paid  
and the costs of this suit. And  
unless he pay the same within 30  
days from the rising of this Court  
then Reese D. Slavery Sheriff of this  
County will sell the lands in the  
bill mentioned <sup>or so much thereof as may be necessary</sup> for the period of one  
year. He will require so much to  
be paid in hand as will pay the  
costs of this suit and expense of  
renting; and for the residue he will  
require bonds payable to himself as  
Sheriff. The renting will be made  
on some Court day at the front  
door of the Court House, <sup>of this County</sup> by public  
cut out to the highest bidder. The said



James M. Duff

v3 Decree

H. J. Prestor

Nov. 7. 1883

Continued. D. 359

J. A. Wyatt  
clerk

Enter this

Dec. 15. / 83

J. A. Kelly

sheriff will not rent such lands as are now under lease, but will respect the rights of any tenants having crops of wheat on said land. He will rent so as the tenancy shall expire on the first day of <sup>Febry.</sup> January 1885; - The said sheriff will report his action to this Court at some future term as the case is continued.



Virginia

Lee Circuit Court, December 1<sup>st</sup> / 1883.

James M. Duff

vs

H. L. Preston

Plff

Deft

In Chancery.

# # # It is adjudged ordered and decreed that the Plaintiff recover from the deft, the sum of \$26.29 and legal interest thereon from the 16<sup>th</sup> day of April 1883 till paid and the Costs of this suit. And unless he pay the same within 60 days from the rising of this Court, then Rice D. Flanagan Sheriff of this County will rent the lands in the bill mentioned, or so much thereof as may be necessary, for the period of one year, he will require so much to be paid in hand as will pay the costs of this suit and expense of renting; and for the residue he will require bonds payable to himself as sheriff, The renting will be made on some court day at the front door of the Court house of this county by public outcry to the highest bidder. The said sheriff will not rent such lands as are now under lease, but will respect the rights of any tenants having crops of wheat on said land, He will rent, so as the tenancy shall expire on the first day of Feby 1885. The said sheriff will report his action to this



Court at some future term and  
the cause is continued.

A Copy Teste -

J. A. Hyatt c.c.

James M. Duff

Copy of

decrees

vs

H. J. Preston



# THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF LEE COUNTY GREETING:

We Command You that of the Goods and Chattles of

*Henry S. Preston*

Late in your Baliwick you cause to be made \$ *26.29* with legal interest thereon from the day of  
18~~th~~ ~~th~~ payment which

*James M. Duff*

Lately in our Circuit Court of Lee County has recovered against him by suit for

*Costs*

also \$

which to the said

*James M. Duff*

in our Court were adjudged for

*his*

costs in that behalf expended whereof the said

Convicted, as appears to us of record. And that you have the same before the Judge of our said Court at the  
Courthouse on the first monday in

*June*

next to render to the said

*Duff*

of the

and costs as aforesaid.

And have then there this writ- Witness JOHN A. G. HYATT Clerk of our said court at the courthouse this  
day of *April* 188 *3* in the *10* *7* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

*6 4.94*  
*3 1.40*  
*1 5.00*  
*Surv. 5.00*  
*Car. 1.00*  
*Witness 8.50*  
*Att. 25.84*  
*45*

*\$26.29*



188) Circuit (Pendleton)

Mar 2 1883

James M. Duff  
vs. Li Sa

Henry S. Preston

Lo James Rules 1883.

No property  
found H. M. C. S.

"A"



Henry S. Preston  
1874. To the Clerk of Lee Circuit Court, Va.

Summons against *James Poteet* 20 State Tax 100  
copy 10 noting 18 \$ 48

docketing 18 attorney 10 filing declaration 15 rules 50 order 36 judgment 1.29  
2 orders 36 72 Sweeney's Injunct. 70 1.42  
docketing return taxing cost & copy 20 filing papers 20 execution 40

Recd payment of R. D. Flanagan & Co. 14.59  
Bell's Potomac Press, Alex. Va. 27<sup>th</sup> 1884 J. H. Hyatt C. C.



W. J. Preston

To the Free Will

3 \$4.59

J. A. W. Syatt



# THE COMMONWEALTH OF VIRGINIA,

*Washington*  
To The Sheriff Of ~~Lee~~ County Greeting:

We Command You to Summon

*H. S. Preston*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

*November*

next being rule day to answer a bill in Chancery exhibited in our said Court against

*him*

by

*James M. Duff*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

*27<sup>th</sup>*

day of

*September* 1883

, in the 10<sup>th</sup>

year of the Commonwealth.

*J. A. G. Hyatt* Clerk



120  
James M. Duff  
vs  $\frac{3}{3}$  Spa in Chic  
H. S. Preston

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Lo November Rules 1883

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Executed by  
giving a copy  
of within spec  
in chy. to H  
S Preston  
Oct 2 1883

Robt Hughes  
swd



Standing No. 415

—IN—

LEE CIRCUIT COURT.

|                 |                      |                 |
|-----------------|----------------------|-----------------|
| Pl'ffs<br>ATTY. |                      | Def'ts<br>ATTY. |
| <i>P</i>        | <i>Wm James M</i>    |                 |
| Pl'ffs costs.   |                      | Def'ts costs.   |
| \$ .....        | vs. { <i>Bill in</i> | \$ .....        |
| .....           | { <i>Chancery.</i>   |                 |
| .....           | <i>W S Preston</i>   |                 |
| .....           |                      |                 |
| .....           |                      |                 |
| .....           |                      |                 |
| .....           |                      |                 |
| .....           |                      |                 |
| Total \$        |                      | \$              |

Reference Docket. 1 Page 19 Line 33

1st calling.....Term 188.....

Decided August Term 188.....

Oct 14 8 yet due



715